

Remarks

The status of the claims is as follows. Claims 1-46 were originally filed and are subject to restriction. Claim 20 was amended to make Claim 20, and those claims depending therefrom, dependent from Claim 1. Claim 27 was amended to make Claim 27, and those claims depending therefrom, dependent from Claim 4.

Restriction Requirement

Restriction was required under 35 U.S.C. §121 to one of the following inventions:  
Group I – Claims 1-19 and 46, drawn to an apparatus, classified in class 422, subclass 130.  
Group II – Claims 20-45, drawn to a method, classified in class 436, subclass 86.

Applicant proposes that Claims 20-45, which now ultimately depend from Claim 1 or Claim 4 as recited in the amended claims, be included in Group I, thereby obviating the need for Group II, and that Claims 20-45 be examined together with Claims 1-19 and 46.

As required by the Restriction Requirement, Applicant elects the invention of original Group I, Claims 1-19 and 46.

The Restriction Requirement indicated that the inventions of Groups I and II are distinct each from the other. According to M.P.E.P. 802.01 the term “distinct” means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (emphasis in original). Accordingly, the Office Action is acknowledging at least implicitly that the inventions of the original groups are separately patentable over one other. If this were not the case, then the restriction requirement would not be proper.

Respectfully submitted,

  
Theodore J. Leitereg  
Attorney for Applicant  
Reg. No. 28,319

Agilent Technologies, Inc.  
Legal Department, M/S DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599